

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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LEONARD JOHNSON,

Plaintiff,

-v-

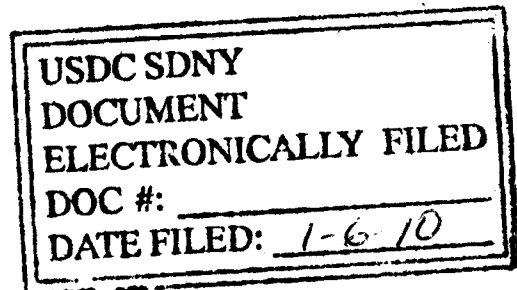
UNITED STATES OF AMERICA,

Defendant.
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JED S. RAKOFF, U.S.D.J.

09 Civ. 5554 (JSR)

ORDER



On October 26, 2009, the Honorable Kevin Nathaniel Fox, United States Magistrate Judge, issued a Report and Recommendation in the above-captioned matter recommending that this Court transfer petitioner's motion, made pursuant to 28 U.S.C. § 2255, to the United States Court of Appeals for the Second Circuit, as a second or successive § 2255 motion, in the interest of justice.

Plaintiff has failed to file any objection to the Report, and therefore has waived any right to review by this Court. See Thomas v. Arn, 474 U.S. 140, 147-48 (1985); Mario v. P & C Food Markets, Inc., 313 F.3d 758, 766 (2d Cir. 2002); Spence v. Superintendent, Great Meadow Corr. Facility, 219 F.3d 162, 174 (2d Cir. 2000). Accordingly, the Court hereby adopts the Report and Recommendation, and, for the reasons therein, directs the Clerk of the Court to transfer plaintiff's § 2255 motion to the United States Court of Appeals for the Second Circuit.

SO ORDERED.


JED S. RAKOFF, U.S.D.J.

Dated: New York, New York
January 5, 2010